

09-18-06

TFW 1638

Express Mail Label No. EV 325 820 852 US

Attorney Docket No.: 59150-8031



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: OTSUKI, ET AL.

APPLICATION No.: 10/508,810

1A FILING DATE: MARCH 22, 2002

FOR: FUNCTIONAL PLANTS, PROMOTERS USED TO
CREATE THE SAME AND THE USE THEREOF

EXAMINER: BAGGOT, BRENDAN O.

ART UNIT: 1638

CONF. No: 9688

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the National Stage of an International Application or before the mailing date of a first Office Action on the merits or before the mailing date of a first Office Action on the merits after the filing of a Request for Continued Examination under 37 CFR §1.114, whichever occurs last (37 CFR 1.97(b)(4)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

B. Cited Information☒ Copies of references A1-A4 are enclosed.**C. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or

is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

D. Fee Payment

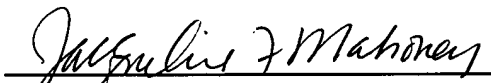
No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

E. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: Sept. 13, 2006



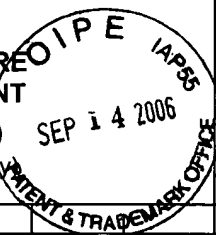
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)
(Use several sheets if necessary)



COMPLETE IF KNOWN

Application Number	10/508,810
Confirmation Number	9688
Filing Date	September 22, 2004
First Named Inventor	Otsuki, <i>et al.</i>
Group Art Unit	1638
Examiner Name	Baggot, Brendan O.
Attorney Docket No.	59150-8031

Sheet 1 of

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	A1	PCT	WO01/16307	A2	Renessen LLC	03/08/2001		
	A2	PCT	WO01/98480	A2	Syngenta Participations AG	12/27/2001		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.
	A3	Aharoni, A. <i>et al.</i> , "DNA Microarrays for Functional Plant Genomics", <i>Plant Molecular Biology</i> , 48(1-2):99-118 (2001)
	A4	Buell <i>et al.</i> , Databases EMBL, "Oryza sativa (Japonica cultivar-group) Chromosome 10 Clone oj1004_F02 map C8, complete Sequence", Database Accession No. AC092387.

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).</p>	